

SENATE BILL 637

By Gardenhire

AN ACT to amend Tennessee Code Annotated, Title 20,  
Chapter 12, relative to failure to state a claim.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 20-12-119, is amended by deleting subdivision (c)(1) and substituting instead the following:

(1) Notwithstanding subsection (a) or (b), in a civil proceeding, where a trial court grants a motion to dismiss a complaint pursuant to Rule 12 of the Tennessee Rules of Civil Procedure for failure to state a claim upon which relief may be granted, the court shall award the party or parties against whom the dismissed complaint was pending at the time the successful motion to dismiss was granted the costs and reasonable and necessary attorney's fees incurred in the proceedings as a consequence of the dismissed claims by that party or parties. The awarded costs and fees shall be paid by the party or parties whose complaint was dismissed as a result of the granted motion to dismiss.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it, and shall apply to claims filed on or after that date.